# REMARKS

Withdrawal of the objection under Section 112 is respectfully requested since the objection was cured by an amendment in the paper titled Reply to Paper No. 2, which was filed on about March 12, 2004.

Claim 1 is now rejected based on Cajolet and the principle of inherency. However, for inherency to apply, it must necessarily be the case that the reference operates in the way claimed. This means that there can be no other way that the reference would operate.

This is plainly not the case here. Certainly, in the reference, the task could simply be assigned. There may be no follow up to determine whether those tasks are completed. Therefore, there may be no logging to determine whether or not those tasks get completed.

The principle of inherency simply does not apply here.

In the alternative, the claims are rejected under the Cajolet reference by itself under Section 103. It is not believed that a single reference Section 103 rejection could ever properly lie. In order to maintain such a rejection, the reference must lack a feature. Under controlling Board of Appeals law and Federal Circuit law, the reference itself or some other cited art must teach the rationale to make the modification to reach the claimed invention. Necessarily, the office action concedes that no such teaching is present in Cajolet.

Instead, it is suggested that it would be obvious per se to make the change for various reasons, which are nowhere supported from within the prior art. Thus, a *prima facie* rejection under Section 103 is not made out.

With respect to the rejection of claim 5, two additional citations are now provided. It is suggested that Cajolet at column 10, lines 7-20, or column 9, lines 5-14, teaches developing an estimate of the time to task completion. However, the cited material refers to Figure 7 and the flow chart therein. It is seen that the cited material relates to the decision block 138 which is before a portion of the problem is assigned to each assistant as indicated at block 142. Therefore, it is not possible that the asserted passage supports the assertion that Cajolet teaches developing an estimate of the time to task completion. In other words, the portion of the flow cited by the Examiner is the portion in which it is decided who to have help with an assigned portion of the task rather than developing an estimate of the time to task completion. The material cited in column 9, lines 5-14, does not appear to be pertinent to claim 5 in any way.
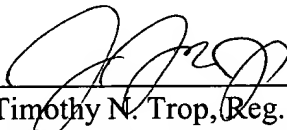
Therefore, reconsideration of the rejection of claim 5 is respectfully requested.

The reliance on the Foster reference is not understood since it apparently relies on a series of agents within the same system to do processing tasks within the system. Therefore, Foster does not appear to have anything to do with the claimed distributed processing environment. See, e.g., the Foster Abstract.

Therefore, the application should now be in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,

Date:  <u>October 26, 2004</u>

Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Ste. 100
Houston, TX  77024
713/468-8880 [Phone]
713/468-8883 [Fax]